

## Memorandum

**To:** Honorable Bill Proctor, Chair of the Leon County Commission

**From:** Ion Sancho, Leon County Supervisor of Elections *IRS*

**RE:** Meeting HAVA Requirements Using Verifiable Voting Technology

The Help America Vote Act (HAVA) was passed by the United States Congress in October of 2002. It contained a provision, Section 301(a)(3), requiring jurisdictions provide, in each voting location, at least one device allowing persons with disabilities to vote independently in all federal elections after January 1, 2006.

Voters in our jurisdiction cast their ballots using precinct based optical scan voting technology. As recognized by the Leon County Board of County Commission in 1992, and again by the State of Florida in March of 2001, (Governors Select Task Force on Elections: Revitalizing Democracy in Florida) precinct based optical scan technology is the most accurate and voter friendly technology currently employed to count votes in the United States.

While the Leon County Elections Office has been nationally recognized for its excellent election process and procedures, our agency must enter into a purchase agreement for additional hardware to comply with the aforementioned HAVA requirements. Fortunately, federal funds for this purpose are also available to our office so additional dollars are not needed for this purchase.

Consistent with our desire to maintain high standards our Agency has identified the Automark as the only device which, when certified, allows the Leon County Supervisor of Elections Office to continue the kind of elections its citizens have come to expect. It is certainly the only device that will allow for a 100 percent verification of all our voters votes and a complete recount of every ballot cast in every Leon County election.

Our plans to acquire this device have been frustrated by our current vendor, Diebold Elections. They have adamantly refused to seek certification of the Automark with their Accuvote optical scan products (we use the Accuvote 2000) and have threatened any Diebold user with loss of product support if they proceed with the Automark technology. Additionally they have threatened legal action for "copyright and patent infringements" if jurisdictions try to use the Automark device with "their" equipment.

Diebold's corporate tactics also include purposefully breaching their contract with Leon County, by failing to provide new versions of their elections software as required, in an attempt to force us to use only their touchscreen voting machines (we get the new release if we use their touchscreens).

Leon County would then have a "blended System", meaning voters would be voting on paper ballots and on touchscreen machines *in the same precinct!* In our opinion this would be the worst of all options available.

After months of intensive consideration our Office recommends the Leon County Board of Commissioners authorize the Leon County Supervisor of Elections to contract with Elections System & Software for the purchase of their precinct based optical scan voting system and the Automark device, thus enabling Leon County voters to continue voting in the same manner (fill in the oval) and technology (precinct based optical scanning) as we have in the past 13 years, with the complete ability to recount *every* citizen's vote.

Fortunately, this option can be funded from the current budget by re-allocating the \$750,000 the Board allocated to our Office for EVID technology. Given the critical nature of this issue we conclude the EVID must be deferred so the Board does not have to appropriate additional budget dollars this year for the Leon County Supervisor of Elections Office. Only in this manner can we continue to provide completely verifiable elections to the citizens of Leon County and maintain the same level of accountability and trust in our elections process.